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PTO/SB/64 (07-06)
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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

First named inventor: **BUCKNER, LYNN A.**

Application No.: **10/683,674**

Art Unit: **3753**

Filed: **10/14/2003**

Examiner: **SCHNEIDER, CRAIG**

Title: **UTILITY VALVE ACCESS AND PERFORMANCE EVALUATION
MEANS**

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity-fee \$ **750.00** (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in

the form of **RESPONSE TO OFFICE ACTION** (identify type of reply):

- ☐ has been filed previously on _____
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____

- ☐ has been paid previously on _____
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9198 and select option 2. 10/03/2006 CNGOTEN 00000059 10683674

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750.00 OP

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Lynn A. Buckner
Signature

21 SEPT 2006
Date

LYNN A. BUCKNER
Typed or printed name

Registration Number, if applicable

P.O. BOX 609
Address

423-413-7823
Telephone Number

CHICKAMAUGA, GA. 30707
Address

Enclosures: ☒ Fee Payment check # 3825 for \$ 750.00

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

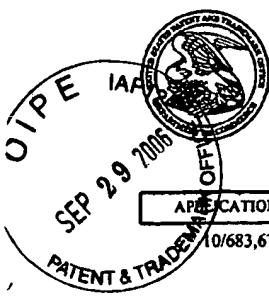
☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

29 SEPT 2006
Date

Lynn A. Buckner
Signature
LYNN A. BUCKNER
Typed or printed name of person signing certificate

1 of 15 pages



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/683,674	10/14/2003	Lynn A. Buckner		1817

7590 12/01/2005
LYNN A. BUCKNER
P.O. Box 609
Chickamauga, GA 30707

EXAMINER
SCHNEIDER, CRAIG M

ART UNIT	PAPER NUMBER
3753	

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/683,674

Applicant(s)

BUCKNER ET AL.

Examiner

Craig M. Schneider

Art Unit

3753

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Content of Specification

- (a) Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification unless the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.
- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.
- (c) Statement Regarding Federally Sponsored Research and Development: See MPEP § 310.
- (d) The Names Of The Parties To A Joint Research Agreement: See 37 CFR 1.71(g).
- (e) Incorporation-By-Reference Of Material Submitted On a Compact Disc: The specification is required to include an incorporation-by-reference of electronic documents that are to become part of the permanent United States Patent and Trademark Office records in the file of a patent application. See 37 CFR 1.52(e) and MPEP § 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)),

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and tables having more than 50 pages of text were permitted as electronic documents on compact discs beginning on September 8, 2000.

Or alternatively, Reference to a "Microfiche Appendix": See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.

- (f) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:
- (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."
 - (2) Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."
- (g) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.
- (h) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
- (i) Detailed Description of the Invention: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention

described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.

- (j) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet or electronic page (37 CFR 1.52(b)(3)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).
- (k) Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).
- (l) Sequence Listing. See 37 CFR 1.821-1.825 and MPEP §§ 2421-2431. The requirement for a sequence listing applies to all sequences disclosed in a given application, whether the sequences are claimed or not. See MPEP § 2421.02.

The disclosure is objected to because of numerous spelling and grammatical errors. The following informalities are some examples to name a few:

On page 3, line 2 "of" should be --or--.

On page 4, line 10 "jetter" should be --jet--.

On page 7, line 14 "venture" should be --venturi--.

On page 9, line 13 "number revolution" should be --number of revolutions--.

On page 11, line 9 "container to hold dispensed solids should be --vacuum producing means--.

Appropriate correction is required.

Claim Objections

Claims 5 and 12 are objected to because of the following informalities: The phrase "and a second end of the articulating boom arm" is repeated in each claim. Appropriate correction is required.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "97" on page 6, line 13. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application or the specification may be amended to correct the objection but the applicant is reminded to not enter new matter into the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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The drawings are objected to because "7" referred to in Figure 5 does not appear to be addressing the liquid transfer pump. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The examiner is taking the position that the applicant is not invoking 35 U.S.C. 112, 6th paragraph with the word "means" recited throughout the claims with out "for" or "to". If the applicant is intending to invoke the 112, 6th paragraph then the following needs to be addressed.

A claim limitation will be interpreted to invoke 35 U.S.C. 112, sixth paragraph, if it meets the following 3-prong analysis:

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- (A) the claim limitations must use the phrase "means for " or "step for ";
- (B) the "means for " or "step for " must be modified by functional language; **and** (emphasis added on the term "and")
- (C) the phrase "means for " or "step for " must not be modified by sufficient structure, material or acts for achieving the specified function.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 6, 7, and 11-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The use of "means" in the preamble of each claim is indefinite in that the claim which they depend on claims a vacuum system (claims 3 and 4). In the claims 6-7 and 11-14 it is uncertain whether a vacuum system or a means is being claimed.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 9 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The measuring device is located at the actuator for the valve. The flow rate, temperature, and pressure of the fluid can not be determined in this location as seen in the Figures.

Claim Rejections - 35 USC § 102

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Killgrove et al. (6,095,429).

Killgrove et al. disclose a liquid pressure dissipater (10) means comprising a housing(18), a liquid inlet conduit attachment(12), an internal means in the form of walls of a non-straight flow channel (Fig. 3, Ref. Nos. 21, 24, and 31) to dissipate energy in the form of pressure, and a liquid outlet (29 and 33) mounted on a mobile vehicle(col. 2, lines 34-67 onto col. 3 lines 1-19).

Claim 3 and 6-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Sinz (6,013,138).

Sinz discloses a vacuum system comprising a vacuum container (13), a vacuum producing means (21); a filter (30), a vacuum conduit (19)(col. 4, lines 47-67 onto col. 5, lines 1-14) and a liquid dissipater means comprising a housing (14), a liquid inlet conduit attachment (79), and internal means to dissipate energy in the form of pressure (the tank with the raised pipe 73 to prevent drainage until the correct water level is reached) and a liquid outlet (88) mounted on a mobile means (col. 8, lines 45-67).

Regarding claim 6, Sinz further discloses a water pressure system comprising a water storage tank (15), a water pump (20), a water hose (16) is added to the system to

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clean, or make debris, dirt or gravel vacuumable (col. 4, lines 32-34 and col. 4, lines 41-61).

Regarding claim 7, Sinz further discloses an air compressor(21), an air reservoir (14), and air hose (col. 9, lines 66-67 onto col. 10, lines 1-7).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Killgrove et al. as applied to claim 1 above, and further in view of Jackman (4,561,459).

Killgrove et al. disclose all the features of the claimed invention except a utility valve actuator chosen from one of a hydraulic motor, a DC motor, an AC motor, an air motor, and air cylinder. Jackman discloses the use of a utility valve actuator (40) using a DC motor (col. 3, lines 41-48 and col.4, lines 1-6).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the actuator of Jackman onto Killgrove et al., in order to be able to operate the valve remotely.

Claim 4 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sinz (6,013,138) in view of Jackman.

Sinz discloses all the features of the claimed invention except a utility valve actuator chosen from one of a hydraulic motor, a DC motor, an AC motor, an air motor,

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and air cylinder. Sinz further discloses a water pressure system comprising a water storage tank (15), a water pump (20), a water hose (16) is added to the system to clean, or make debris, dirt or gravel vacuumable (col. 4, lines 32-34 and col. 4, lines 41-61). Sinz further discloses an air compressor (21), an air reservoir (14), and air hose (col. 9, lines 66-67 onto col. 10, lines 1-7). Jackman discloses the use of a utility valve actuator (40) using a DC motor (col. 3, lines 41-48 and col.4, lines 1-6).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the actuator of Jackman onto Sinz, in order to be able to operate the valve remotely.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Killgrove et al. as applied to claim1 above, and further in view of Smith et al. (6,850,843).

Kilgrove et al. disclose all the features of the claimed invention except that a Global Positioning System determines the geographic location of a valve, or a utility or a repair site and transmits or downloads the information to a computer program or map. Smith et al. disclose the use of a Global Positioning System to determine the geographic location of an accident and all the corresponding data using a computer (col. 4, lines 56-67 onto col. 5, lines 1-2).

It would have been obvious to one having ordinary skill in the art to include a GPS system as described by Smith et al. onto the device of Killgrove et al., in order to have an accurate map of the location.

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Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Killgrove et al. as applied to claim 1 above, and further in view of Ward (4,085,551) and Reischl et al. (6,679,222).

Killgrove et al. disclose all the features of the claimed invention except measuring means record and document the torque required to open or close a valve, the flow through a valve fully open, fully closed, and in between as well as temperature, pressure, number of revolutions to open or close the valve and condition of the valve. Ward discloses measuring the number of revolutions (col. 2, lines 13-27). Reischl et al. disclose measuring the torque of a shaft (col. 4, lines 50-53). Examiner takes official notice on the flow, temperature, and pressure gauges that all three of these devices are well known in the art and would be used to detect proper flow through a pipe, pressure in an acceptable range, and that the temperature of the water is also in an acceptable range.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the measuring devices of Ward and Reishl et al. onto Killgrove et al., in order to ensure that the valve was functioning properly. It would have also been obvious to one having ordinary skill in the art at the time the invention was made to utilize a flow, temperature, and pressure gauge in the system of Killgrove et al., in order to ensure that the water was with acceptable operating conditions.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Killgrove et al. as applied to claim 1 above, and further in view of Taylor et al. (US 2004/0252556 A1).

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Killgrove et al. disclose all the features of the claimed invention except a dechlorinator is used to remove chlorine from water. Taylor et al. disclose a dechlorinator is used to remove chlorine from water (Page 15, paragraph 191, lines 4-7).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the dechlorinator of Taylor et al. onto the device of Killgrove et al., in order to comply with the local municipality (page 1, paragraph 5).

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sinz as applied to claim 3 above, and further in view of Killgrove et al.

Sinz discloses all the features of the claimed invention except that the device includes hydraulic tool storage. Killgrove et al. discloses the use of a storage compartment (22) for the hose (12)(col. 2, lines 44-47).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the storage area of Killgrove et al. onto the truck of Sinz, in order to have a storage area for the hose during transportation.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hansen (5,713,583) discloses a toolbox on a mobile cart. Boyd (3,267,509) and Wurster (4,322,868) disclose other types of sewer treatment trucks. Juharsz (6,619,112) and Sabini et al. (6,776,584) disclose other types of testing instruments. De Lorme et al. (5,848,373) disclose a GPS system.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig M. Schneider whose telephone number is (571) 272-3607. The examiner can normally be reached on M-F 8:30 -5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Blau can be reached on (571) 272-4406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CMS
November 23, 2005


Craig Schneider
Patent Examiner
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